

BOARD OF APPEALS

Minutes of Meeting

February 25, 2025

A regularly scheduled and noticed meeting of the Board of Appeals was held on Tuesday February 25, 2025, remotely on Zoom, and was called to order by Chairman Bill Moriarty at 7:30 PM.

Present were five Board members *Benjamin Labrecque, Marc Liebman William Barlow, Bruce Krasker, William Moriarty*.

This hearing was held in accordance with the provisions of the Marblehead Zoning Bylaw, and Chapter 40A of the General Laws as amended. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Marblehead Zoning Board was conducted via remote participation.

Zoom link recording:

https://us06web.zoom.us/rec/share/-YKFX97x-jTs5-Y_YGX6bXCOQp5UkCJb1AVTaKUQtoyBqpifcUgFRq48pe0x8yiC.u7PlipXFDUqBd-bh

Passcode: W=d=*3s8

Mr. Moriarty stated at the start of the meeting that the application for 28 South Street has requested to withdraw without prejudice so anyone in attendance would not need to stay until the end of the meeting. There was no dissent from the board. The meeting inadvertently closed before a vote to allow the withdrawal could take place. An official vote to all the withdrawal will take place on March 25, 2025 at 7:30 PM.

7:30 PM 33 Sagamore Road – Tom Beauregard – demolish the existing attached garage and to construct in its place a newly built attached garage with a second floor on a pre-existing non-conforming single-family dwelling with less than the required Lot Area, Front Yard Setback, and Side Yard Setback in the Single Residence District. The proposed building will exceed the 10% expansion limits for non-conforming buildings and expand side yard encroachment.

Architect Walter Jacob presented the application for the homeowners. Catalina Hernandez from Walter Jacob Architects' office was also on the call. The application was before the board because of an encroachment and the project will exceed 10% requirement. There is a 485' change in gross floor area (3427sf to 3092sf). 1-1 ratio remains over 1-1.

The home is on the corner of Mohawk Trail and Sagamore Roads. The survey from Gail Smith shows the existing home with a proposal to build on top of an existing garage and partially into

the space that was an attic. The second level will have the same footprint as the first level. The encroachment into the setback is at the back corner of the addition, due to the house location on a triangle lot. A letter of support has been signed by all the neighbors and the immediate neighbor had no immediate objection to the project.

Mr. Moriarty commented about when a home is fronted on two streets. Technically a 20' setback. For the sake of good order, the side yard and front yard are considered the same with a 20' setback. Walter stated that Gail Smith's survey reflects this consideration and in the text of the Decision, it will be noted, and that relief is granted for either one of the front yard or side yard setbacks. (Note: photos of the house are depicted from Sagamore Street).

Mr. Barlow asked if there would be a new foundation constructed for the project. Walter Jacob said yes, a new foundation will be built as the old garage foundation wouldn't support a new structure. Mr. Liebman inquired about privacy trees. Walter stated that he believes the trees won't be damaged and will survive. The nature of the project is to keep them and that they're far enough away and will survive.

There were no further questions from the Board. No one spoke in favor or opposition. A motion was made to close the hearing. William Barlow, seconded Marc Liebman. (Labrecque, Barlow, Krasker, Liebman, Moriarty). All in favor.

Considering the shape of the lot and location and other lot features, the Board voted to issue a special permit with the usual conditions. Labrecque, Barlow, Krasker, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

7:30 PM 7 Merrill Street – Jeffrey Heit and Luisa Boverini – build a second-floor addition over the existing footprint of the home that will serve as a master bathroom on a pre-existing non-conforming single-family dwelling at in the Single Residence District with less than the required Lot Area, Frontage, and Side Yard Setback. The addition will be built over the existing footprint of the first floor and will have no new dimensional non-conformities.

Homeowner Jeffrey Heit and architect Alexandra Peterson presented the application for a master bathroom to be constructed in a nonconforming portion of the home. This will add about 110 sf to the home and will be built over an existing office. It was stated that when building on a nonconforming portion of a home, it creates a new nonconformity and will be noted in the Decision. A letter with favorable signatures from neighbors was submitted as part of the application package.

There were no additional questions from the Board. No one in attendance spoke in favor or opposition to the project. A motion was made to close the hearing. William Barlow, seconded by Marc Liebman. (Liebman, Barlow, Krasker, Liebman, Moriarty). All in favor.

With the meeting closed, the Board voted to issue a special permit with the usual conditions. (Labrecque, Barlow, Krasker, Liebman, Moriarty.) All in favor. **SPECIAL PERMIT WILL ISSUE**

7:45 PM 11 Kenneth Road – 4J Homes, LLC – construction of additions to an existing single-family residential dwelling having less than required Front Yard Set Back, Side Yard Set Back, and exceeding the allowed Height, on a Lot having less than required Lot Width and Lot Frontage located a Shoreline Single Residence District. The construction will be partially located within the Front Yard Set Back and Side Yard Set Back, will increase the Height of the building, and will increase the Gross Floor Area by more than the allowed ten percent (10%) on a non-conforming building.

Attorney Matt Wolverton, architect Craig Bosworth, and the applicant were on the call for a special permit for a new construction addition. The application appeared before the Board with an identical application submitted in 2023. The original application stated that the new exterior walls would not be more than 50% but during commencement of the project, it was necessary to have more than 50% new exterior walls which necessitates a new application stating that construction is identified as 'building new' under the bylaw.

Steven Silva, 19 Kenneth Road, asked the applicant to confirm that the height and width of front and side of the home, which can be seen from the street, will remain the same. Mr. Bosworth confirmed that this the case, that ridge height and width from the base of the garage would remain the same. but the height is higher in the back.

A motion was made to close the hearing. William Barlow, seconded Marc Liebman (Labrecque, Barlow, Krasker, Liebman, Moriarty). All in favor. A motion was made to issue a special permit on the same terms as the previously issued permit. There were no objections. Labrecque, Barlow, Krasker, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

7:45 PM 4 Point O Rocks Lane – Christopher Willett and Mary Sunday – construct a new addition at the side and rear of an existing non-conforming property located in the Shoreline Expanded Single Residence District with less than the required Lot Area, Rear Yard Setback, and that exceeds the height requirement. The proposed addition will be in the Rear Yard Setback and Side Yard Setback.

Architect Bruce presented the application for an addition to a home on a smaller than required lot with encroachments in the rear and side yard setbacks, as well as an installation of a new fence and pergola. The addition would add 164sf to the home. Because of the shoreline location, there is a 25' setback requirement. The project will rebuild the foundation for a sunroom, deck expansion and a connection to the garage. The project will endeavor to save the roof because it's in good shape. The project received substantial review by the Conservation Commission and an Order of Conditions was issued in December of 2024.

Mr. Krasker asked if abutters had been notified and approved of the project. Mr. Greenwald stated Erica and James Stella, 11 Follett Street, wrote a letter of support that will be sent to Engineering Dept for the file. Thaddeus and Elizabeth Gillespie, 15 Follett Street, are in support of the project as well. There were no more questions from the Board. No one spoke in favor or opposition. A motion was made to close the hearing. William Barlow, seconded Benjamin Labrecque. (Labrecque, Barlow, Krasker, Liebman, Moriarty). All in favor. Given the size of the lot, with a build-as-shown and delay of permit, a special permit issue will issue. Labrecque, Barlow, Krasker, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

8:00 PM 17 Hawkes Street – Seventeen Hawkes Street Condominium – remove a condition contained in a prior Special Permit limiting Unit 5, a residential unit, of the Seventeen Hawkes Street Condominium, to owner occupancy. The property at 17 Hawkes Street consists of a lot with less than the required Lot Area, Open Space Ratio and Required Parking. No external construction is proposed, all on the property located in Business Residential District.

Attorney Matt Wolverton represented the applicants John and Anusha Hirsch that would allow for removal of an owner condition on a previously issued special permit. The owners have lived in unit 5 since 2010 when the property converted from commercial to residential which limited the unit to owner occupied. There were no questions from the Board. No one spoke in favor or opposition of this change. Mr. Krasker raised concern about condominium documents allowing for this change. Mr. Liebman inquired if all other conditions from the original special permit would remain (yes).

A motion was made to close the hearing. Ben Labrecque, seconded by Bruce Krasker. (Labrecque, Barlow, Krasker, Liebman, Moriarty. All in favor. A vote yes would allow the old condition to be eliminated with a new special permit. Labrecque, Barlow, Krasker, Liebman, Moriarty. **SPECIAL PERMIT WILL ISSUE**

8:00 PM 28 South Street – Taner Gokce – construct add a second-floor addition to the rear of a pre-existing non-conforming single-family dwelling in the Central Residence District with less than the required Lot Area, Front Yard Setback, and Side Yard Setback. The addition will be built over the existing footprint of the first floor and will have no new dimensional non-conformities. (Continued from January 28, 2025 – no evidence taken) – APPLICANT REQUESTS TO WITHDRAW APPLICATION WITHOUT PREJUDICE.

The Board disbanded before this vote could take place. The request to withdraw the application will move to March 25, 2025. At the beginning of this meeting, Mr. Moriarty indicated that the withdrawal request had been made. There was no dissent from the Board at that time. Hearing will continue to March 25, 2025.

The Board voted to approve the January 28, 2025 meeting minutes with no changes. Labrecque, Barlow, Krasker, Liebman Moriarty. All in favor.

Respectfully submitted,
Senior Clerk
Community Planning and Development